

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 38615 OF 2013

Between:

The AP Genco Transco & Discoms Worker's Union, (Regd. No.H-43), Rep. by its General Secretary, 'A' Colony, KTPS, Paloncha, Khammam District.

...PETITIONER

AND

1. The A.P. GENCO, Rep. by its Managing Director, Vidyuth Soudha, Somajiguda, Khairatabad, Hyderabad.
2. The Director (HR), A.P. GENCO, Vidyuth Soudha, Somajiguda, Khairatabad, Hyderabad.
3. The Kothagudem Thermal Power Station (O&M), Rep. by its Chief Engineer, Paloncha, Khammam district.
4. The State, Rep. by its Commissioner of Labour, Department of Labour, Employment Training and Factories, #1-1-17/83, T. Anjaiah Karmika Bhavan, Behind Devi 70 MM theater, RTC 'X' Roads, Ashok Nagar, Hyderabad-20.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order, orders or directions more particularly one in the nature of Writ of Mandamus –

- i. declaring the inaction of the 1st respondent in directing the 3rd respondent to implement the Circular dt.02-04-2012 of the 2nd respondent, Memo dt. 13-09-2012 of the 2nd respondent, Memo dt. 11-03-2010 of the 1st respondent, Memos dt.28-03-2013, 06-02-2012 and 28-03-2013 of the 2nd respondent in favour of the contract labour working under his control or in his power generation station is neither sustainable in the eye of law nor facts of the case as illegal, arbitrary,

discriminative, unfair labour practice, non-application of mind and opposed to the 'doctrine of legitimate expectation', 'doctrine of promissory estoppel' besides violative of Arts.14 and 16 of the Constitution of India; and

- ii. consequently, direct the 1st respondent to take all necessary steps for the welfare of the contract labour as per statutory and constitutional provisions; and also direct the 3rd respondent to implement the Circular dt.02-04-2012 of the 2nd respondent, Memo dt.13-09-2012 of the 2nd respondent, Memo dt.11-03-2010 of the 1st respondent, Memos dt.28-03-2013, 06-02-2012 and 28-03-2013 of the 2nd respondent.

I.A. NO: 1 OF 2013(WPMP. NO: 47991 OF 2013)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st respondent to consider the representation dt.07-11-2013 of the petitioner and pass appropriate directions to the 3rd respondent for giving effect to the Memos, Circulars, Guidelines etc., issued by the 1st & 2nd respondent and also for taking all steps for the welfare of the contract labour as per statutory and constitutional provisions.

Counsel for the Petitioner: SRI PEETA RAMAN

Counsel for the Respondent No.1 to 3: SMT V.UMADEVI, SC FOR TSGENCO

Counsel for the Respondent No.4: GP FOR LABOUR

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.38615 of 2013

ORDER:

This Writ Petition is filed seeking to direct the 1st respondent to take all necessary steps for the welfare of the contract labour as per statutory and constitutional provisions; and also direct the third respondent to implement the Circular dated 02.04.2012 of the second respondent, Memo dt.11.03.2010 of the first respondent, Memos dt.28.03.2013, 06.02.2012 and 28.03.2013 of the second respondent.

2) When the matter is taken up for hearing, the learned counsel for the petitioner-Union has submitted that in compliance of the interim order passed by this Court on 02.01.2014, the respondents have passed a Speaking Order dated 29.03.2014 and therefore no further orders are necessary to be passed in the present Writ Petition.

3) Recording the above made submission, the Writ Petition is disposed of granting liberty to the petitioner to challenge the order dated 29.03.2014, if it is so advised.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

//TRUE COPY//

SD/- K. VENKAIAH
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Managing Director, A.P. GENCO, Vidyuth Soudha, Somajiguda, Khairatabad, Hyderabad.
2. The Director (HR), A.P. GENCO, Vidyuth Soudha, Somajiguda, Khairatabad, Hyderabad.
3. The Chief Engineer, Kothagudem Thermal Power Station (O&M), Paloncha, Khammam district.

4. The Commissioner of Labour, Department of Labour, Employment Training and Factories, #1-1-17/83, T. Anjaiah Karmika Bhavan, Behind Devi 70 MM theater, RTC X Roads, Ashok Nagar, Hyderabad-20.
5. One CC to SRI PEETA RAMAN, Advocate [OPUC]
6. One CC to SMT V.UMADEVI, SC FOR TSGENCO [OPUC]
7. Two CCs to GP FOR LABOUR, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CD Copies

BSR
GJP

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HIGH COURT

DATED: 09/10/2023

ORDER

WP.No.38615 of 2013



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

① Copies

Sm
18/10/23